

expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Examiner stated that it would have been obvious to the skillful artisan in the art to have incorporated Partenheimer's tin catalyst into Sikkenga's catalyst for the process in order to control the rate of oxidation and the selectivity of oxidation. The Examiner also stated that Partenheimer and Sikkenga have an equivalent teaching regarding the employment of oxidation catalysts. However, the use of the tin catalyst in Partenheimer is directed to the oxidation process. Combining the teachings of the tin catalyst from Partenheimer into Sikkenga would still be directed to the oxidation reaction. There is no teaching or suggestion that the tin catalyst would be used in association with contacting the selected naphthalenic carboxylic acid and the selected solvent in the presence of hydrogen, as is this case with the Applicant's invention. Furthermore, the inclusion of tin in the Applicant's invention reduces the amount of 2,6-dicarboxytetralin that is present in the total reactor effluent, and does not refer to a specific oxidation step. Moreover, there is no recitation in the Applicant's invention of any catalyst utilized during a specific oxidation step. It is understood that both Partenheimer and Sikkenga go through an oxidation step in the purification process, but the use of tin in Partenheimer is for the oxidation reaction. The teachings of Sikkenga combined with Partenheimer cannot result in the purification process recited by the Applicant's claims. Thus, the Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a) that claims 1 through 20 are unpatentable over Sikkenga in view of Partenheimer.

Turning to the temperature based rejections under 35 U.S.C. § 103(a), Sikkenga recites a method for purifying a naphthalenedicarboxylic acid comprising contacting the naphthalenedicarboxylic acid with hydrogen in the presence of a hydrogenation catalyst and a solvent comprising a low molecular weight carboxylic acid, at a temperature of at least about 500 F., and at a pressure sufficient to maintain the solvent at least partially in the liquid phase and, thereafter, recovering naphthalenedicarboxylic acid having an improved purity. (See Sikkenga, column 3, lines 5-13). By contrast, the Applicant's invention recites a method of purifying a naphthalenedicarboxylic acid where the purification solvent can be water. Furthermore, the examples in the Applicant's invention disclose water as the purification solvent. By contrast, Sikkenga only recites a solvent comprising a low molecular weight carboxylic acid. Hence, the

concern over temperatures between Sikkenga and the Applicant's invention should not matter since the methods of purification are distinguishable. Sikkenga's method reciting the temperature of at least 500 F is distinguishable from the Applicant's method. Thus, the Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a) that claims 1 through 20 are unpatentable over Sikkenga in view of Partenheimer.

The Applicant respectfully requests that the Examiner consider the preceding arguments. The Applicant submits that Claims 1-20 are now in condition for allowance and respectfully requests allowance of these claims.

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Marked up version of amended claims

1. (twice amended) A process for purifying a naphthalenic carboxylic acid selected from the group consisting of 2,6-naphthalenedicarboxylic acid and 1,5-naphthalenedicarboxylic acid comprising contacting an impure naphthalenic acid and a purification solvent selected from the group consisting of water or mixtures of acetic acid and water in the presence of hydrogen with a catalyst comprising a Group VIII noble metal selected from the group consisting of palladium, platinum, and ruthenium , and a Group IVB metal selected from the group consisting of silicon, germanium, tin, or lead, at a purification temperature of from about 520 to 575 °F.

18. (amended) The process of [Claim 17] Claim 1 wherein the Group IVB metal is tin.

19. (amended) The process of [Claim 17] Claim 1 wherein the Group IVB metal is present at between 0.2 and 0.6 weight percent of the total catalyst weight.